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December 14, 2006

**By Electronic Filing and
First Class Mail**

Lisa Hourihan, Esq.
Clerk to Hon. Reginald C. Lindsay
United States District Court
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA 02210

Re: *Trans-Spec Truck Service Inc. d/b/a Truck Service v. Caterpillar, Inc.*
Civil Action No. 04-11836RCL

Dear Ms. Hourihan:

I write to correct a misstatement on page 4 of *Caterpillar Inc.'s Opposition to Plaintiff Trans-Spec Truck Service Inc.'s Objection to the Magistrate Judge's Report and Recommendation on Defendant's Motion for Summary Judgment*, filed on December 14, 2006.

Caterpillar, Inc. ("Caterpillar"), claims that the Court on July 6, 2006 denied Trans-Spec Truck Service Inc.'s ("Trans-Spec"), Objection dated June 14, 2006, docket entry number 136. The Court did not enter *any* order on July 6, 2006. Caterpillar's counsel likely refers here to the Court's Order of July 26, 2006.

The Court's Order of July 26, 2006 denies only Caterpillar's motion for reconsideration (#138) as to the motion to compel and motion for sanctions portion of Order #135. Contrary to what Caterpillar says in its December 14, 2006 filing, the parties await ruling as to Trans-Spec's June 14, 2006 Objection, #136.

We appreciate your bringing this matter before the Court. Thank you.

Very truly yours,

/s/ Christian G. Samito

Christian G. Samito

cc: Nancy M. Reimer, Esq.
John A.K. Grunert, Esq.
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